

present Office Action states that Applicant's arguments have been considered but are moot..."

Applicant's argument is not moot, and examination is to be conducted in compliance with MPEP Sec. 2181.

Claims 91-96, 108-109, 111, 120-121, and 138-179 have been rejected pursuant to 35 USC Sec. 103. The Examiner contends that these claims are obvious over Nakamura in view of Katagiri.

In response, the rejection is respectfully traversed, and reconsideration is requested. It is respectfully submitted that these rejections are premised on mischaracterizations of Nakamura, in view of the Declaration of Professor C. P. Wong. Not one claim has been shown to have been obvious. If the Examiner maintains any rejection based on a factual contention contrary to the Declaration of Professor C.P. Wong, the Examiner's affidavit or declaration is hereby required.

Further, Applicant has, in the filing of June 8, 2006, filed evidence of nonobviousness. The Office Action states that Applicant's arguments have been considered but are moot..." Applicant's argument is not moot, and examination is to be conducted in compliance with: (A) MPEP Sec. 2141.02 "VI. PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY, INCLUDING DISCLOSURES THAT TEACH AWAY FROM THE CLAIMS"; and MPEP Sec. 2145 X.D.3. "Proceeding Contrary to Accepted Wisdom Is Evidence of Nonobviousness."

Withdrawal of the rejection and allowance of the claims are respectfully requested, and if the Examiner has any questions regarding this filing, or if Applicant can in any way assist with the examination of this application or advance prosecution, the Examiner is again invited to call the undersigned at (312) 240-0824. Further, if the claims are not allowed, Applicant requests another Interview prior to the next Office Action.

III. FEE


If any extension of time is required, it is requested that this be deemed a petition and request therefore.

The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235.

Please direct all correspondence to the undersigned at the address given below.

Respectfully submitted,

Date: February 26, 2007


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II. Remarks

The Examiner is requested to reconsider the application in view of the foregoing amendment and the following remarks. It is believed that no new matter has been added.

Respectfully, and generally for the reasons set forth below, the rejections and each ground therefor are traversed to the extent that they are not rendered moot by the foregoing amendment.

Claims 92 and 93 have been rejected pursuant to 35 U.S.C. Sec. 112. The Examiner contends that claim 92 is unclear for requiring obtuse and greater than 60 degrees. In response, the claim is correct as written, and the Examiner appears to have confused surface gloss measurement with cavities that are obtuse. See the Declaration of Professor C. P. Wong.

Claims 93, 97, 103, 115, 116, 122, and 138-151 have been amended, and the rejection of each of these claims is believed to be moot.

Claims 97-110, 112-119, and 122-179 have been rejected pursuant to 35 USC Sec. 102(b). The Examiner contends that these claims are anticipated by Nakamura.

In response, the rejection is respectfully traversed and reconsideration is requested. It is respectfully submitted that the rejections are premised on mischaracterizations of Nakamura, as spelled out in the Declaration of Professor C. P. Wong. Not one claim has been shown to have been anticipated by Nakamura. If the Examiner maintains any rejection based on a factual contention contrary to the Declaration of Professor C.P. Wong, the Examiner's affidavit or declaration is hereby required.

Further, Applicant has, in the filing of June 8, 2006, pointed the Examiner to MPEP Sec. 2181 in connection with correct interpretation of "means for" claims. Applicant also called this section of the MPEP to the attention of the Examiner during the Interview. The